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Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Professional Engineers and Land Surveyors
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June 22, 2012

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Certified and Regular Mail

FAX

Thomas J. Quinn, P.E.
EKA Associates, P.A.
328 Park Avenue
Scotch Plains, NJ 07076

RE: I/M/O Thomas J. Quinn, P.E.
Complaint No. 81207

**Offer of Settlement In Lieu of Filing a Formal
Disciplinary Complaint**

Dear Mr. Quinn:

This letter is to advise you that the New Jersey State Board of Professional Engineers and Land Surveyors (hereinafter the "Board") has had an opportunity to review information concerning your professional conduct in connection with a plan entitled "Preliminary Site Plan and Lot Merger" originally prepared by you on December 21, 2009 and consisting of 12 sheets, including an "Existing Conditions Plan", for property located in Bernardsville, Somerset County, New Jersey.

More specifically, although you are not a New Jersey licensed professional land surveyor, you signed and sealed an "Existing Conditions Plan", which constitutes the unlicensed practice of professional land surveying. Further, in the preparation of your site plan, you relied upon an unsigned and unsealed "Existing Conditions Plan" prepared by Schoor DePalma dated December 22, 2006, without approval or verification of the accuracy of the information on the Plan. You also relied upon an unsigned and unsealed "Survey of Property" prepared by Parker Engineering & Surveying, P.C. dated December 17, 2003, without approval or verification of the accuracy of the information on the survey. You transferred information from those 2 plans onto your Existing Conditions Plan, as well as located and depicted other existing conditions not contained on them. As a result, the existing conditions shown on your site plan were not transferred from a properly signed and sealed current property survey prepared by a New Jersey licensed professional land surveyor in accordance with N.J.A.C. 13:40-5.1.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you are in violation of:

1. N.J.S.A. 45:8-27 and N.J.S.A. 45:8-28 in that your signing and sealing of the "Existing Conditions Plan" constitutes the unlicensed practice of professional land surveying; and
2. N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-7.2(a) in that you failed to obtain, utilize and submit a signed and sealed property survey with your site plan.

As a result of the foregoing, the Board has preliminarily determined that the above violations are sufficient to warrant the initiation of formal proceedings against you. Notwithstanding that decision, the Board has determined that it will first offer you an opportunity to settle this matter in an attempt to avoid the initiation of more formal proceedings if you consent to the following terms:

1. Agree to a formal reprimand upon your signing of the acknowledgment at the bottom of this letter in connection with the above violations;
2. Agree to immediately cease and desists from the unlicensed practice of professional land surveying upon your signing of the acknowledgment at the bottom of this letter;
3. Payment of a civil penalty totaling **\$2,000.00** (\$1,000.00 for each violation) to be paid **immediately** upon your signing of the acknowledgment at the bottom of this letter in connection with the above violations;
4. Payment of investigative costs in the amount of **\$117.00** to be paid **immediately** upon your signing of the acknowledgment at the bottom of this letter; and
5. Provide proof of successful completion, to the Board's satisfaction, of a minimum of eight (8) hours of continuing education in the area of the new Jersey Administrative Code applicable to this Board, which shall be pre-approved by the Board, within ninety (90) days of your signing of the acknowledgment at the bottom of this letter. Said continuing education shall not count towards any biennial renewal period.

Thomas J. Quinn, PE
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In making a determination, you should know that pursuant to N.J.S.A. 45:1-25 any person who engages in conduct which is in violation of any provision of the statutes and regulations administered by the Board shall, in addition to any other sanctions provided by statute, be liable for a civil penalty of not more than \$10,000.00 for the first violation and not more than \$20,000.00 for the second and each subsequent violation. However, in an effort to resolve this matter amicably, the Board offers to settle on the terms stated above. If you are willing to resolve this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter and returning it to the Board office within 15 days. In such event, this letter shall be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of formal proceedings. In such event, you will be afforded an opportunity to defend against the alleged violations. You are advised, however, that in the event formal charges are filed, you may be assessed civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts herein or any additional facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Michelle Albertson, who may be reached at (973) 648-7297.

If you elect to settle this matter, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer shall be considered withdrawn and the matter will be referred to the Attorney General's Office for the initiation of formal proceedings.

NEW JERSEY STATE BOARD OF PROFESSIONAL
~~ENGINEERS~~ AND LAND SURVEYORS

By: _____

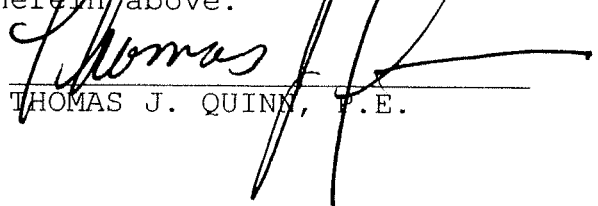
PAUL RAY

Acting Executive Director

cc: B. Michelle Albertson,
Deputy Attorney General

Thomas J. Quinn, PE

ACKNOWLEDGMENT: I, Thomas J. Quinn, P.E., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record and that this letter is a public document. I hereby agree to a formal reprimand for the violations outlined herein above. I agree to cease and desist from the unlicensed practice of professional land surveying. I further agree to the immediate payment of a civil penalty of \$2,000.00 and investigative costs of \$117.00, and to complete the continuing education as set forth herein above.


THOMAS J. QUINN, P.E.

Dated: 7/13/12

